

Reply to office action dated 10/26/04

REMARKS/ARGUMENTS

In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application. Claim 13 is amended. No claims are cancelled. This amendment is believed to be fully responsive to
5 all issues raised in the 10/26/04 Office Action.

CLAIM OBJECTIONS

Claims 19-22

Claims 19-22 are objected to because of the following informalities:

10 *Regarding Claim 19, the limitation "at least one of the light emitting device comprising multiple light emitting devices" is confusing" recited in lines 1 and 2 should be rephrased as --at east one of the light emitting device comprising multiple light emitting elements --. The suggested rephrasing is needed for clarity of the recitation.*

15 *Claims 20-22 also include the deficiencies similar to that highlighted above for Claim 19. Therefore, claims 20-22 are also objected.*

Applicant appreciates the Office's thoroughness in reviewing the subject Application, however, Applicant disagrees that the language of claim 19 is confusing. Claim 19 depends from claim 17 which recites "at least one light
20 emitting device", claim 19 is directed to a sub-set of the claimed subject matter of claim 17 where "at least one" comprises "multiple" at to the exclusion of the instance where "at least one" comprises "one". In order to further prosecution,

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Applicant is open to suggestions from the Office, but in this instance, the suggested change is not needed and could hypothetically drive a different claim interpretation. Applicant respectfully requests that the objection to claims 19-22 be withdrawn.

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CLAIM REJECTIONS §102

Claim 17 is rejected under 35 U.S.C. 102 as being anticipated by US Patent No.: 6,435,690 BI to Till (hereinafter "Till").

Claim 17 is directed to a portable computer comprising:

- 10
- a housing;
 - a power source supported by the housing; and,
 - at least one light emitting device connected to the power source and configured to emit light responsive to the computer being carried.

15 Till describes portable communication devices with distributed perimeter locating lights and perimeter lighting systems for portable communication devices. Till, Col. 1, lines 35-38. The portable communication device has an operative active mode and a standby mode. Col. 1, lines 44-45. The lights are configured to emit externally viewable light when the portable communication
20 device is in the standby mode. Col. 1, lines 52-54. The light emitters flash when the device is in standby mode so that users may locate the device "during periods of non-active use, users may leave the portable communication device in dark

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locations such as purses, briefcases, dark recessed areas or corners of cars and houses, as well as the outdoors in low light areas" Col. 1, lines 14-18.

The Office states that Till discloses the limitations of claim 17, including "the light-emitting elements 15 configured to emit light responsive to the computer 10." Office action, page 3 point 3. However, claim 17 recites at least one light emitting device "configured to emit light responsive to the computer being carried". Till is totally silent as to this limitation. Instead, Till teaches directly away from this limitation, since Till describes a device configured to emit light such that a user can find the device. If the user is trying to locate the device in the "dark recessed areas or corners of cars and houses" the user certainly is not carrying the device as required by claim 17. Till neither teaches nor describes the limitations of claim 17. Applicant respectfully requests the §102 rejection of claim 17 be withdrawn.

Claims 23 and 26 are rejected under 35 U.S.C. 102 as being anticipated by US Patent No.: 6,145,992 BI to Wattenburg (hereinafter "Wattenburg").

Claim 23 is directed to a portable computer comprising:

- a housing; and,
- at least one light reflecting safety structure attached to the housing and positioned to reflect light in a manner that promotes the safety of an individual carrying the computer by making the individual more visible to others in the individual's proximity than the

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individual otherwise would be without the at least one light reflecting safety structure attached to the housing.

Wattenburg describes a keyboard illuminator and a method for
5 illuminating a keyboard for use by a computer user operating a computer having
a keyboard, a housing and a display that emits light. The keyboard illuminator
includes a rigid planar member that is at least partially transmitting and at least
partially reflecting and an apparatus for mounting the member on the housing.
The member is mounted so that the member is disposed at an angle to the display
10 screen between the display screen and the user such that at least a portion of light
emitted by the display screen is reflected onto the keyboard to illuminate the
keyboard for operation. See Wattenburg, Abstract and Fig. 1.

Wattenburg is silent as to a "light reflecting safety structure attached to
the housing and positioned to reflect light in a manner that promotes the safety of
15 an individual carrying the computer". Instead Wattenburg teaches a reflective
structure that during operation of the computing device reflects light from the
display screen onto the keyboard. Wattenburg does not describe or suggest any
other functionality for the keyboard illuminator's reflective structure.
Wattenburg is totally silent as to any aspect of promoting the safety of an
20 individual carrying the computer as recited in claim 23. Applicant respectfully
requests the §102 rejection of claim 23 be withdrawn.

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Claim 26 contains similar limitations to those described above in relation to claim 23 and Applicant respectfully requests the §102 rejection of claim 26 be withdrawn.

5 CLAIM REJECTIONS §103

Claims 1-10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,682,993 to Song (hereinafter "Song") in view of US Patent No. 6,499,857 to Lumley (hereinafter "Lumley").

10 Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,682,993 to Song (hereinafter "Song") in view of US Patent No. 6,499,857 to Lumley (hereinafter "Lumley") further in view of US Patent No. 6,443,604 to Rudenberg (hereinafter "Rudenberg").

15 Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,682,993 to Song (hereinafter "Song") in view of US Patent No. 6,499,857 to Lumley (hereinafter "Lumley") further in view of US Patent No. 5,434,759 to Endo (hereinafter "Endo").

Claims 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,435,690 to Till (hereinafter "Till").

20 Claims 24, 25 and 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,145,992 to Wattenburg (hereinafter "Wattenburg").

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Claim 1 is directed to a safety device, and recites limitations including:

- a portable computer having a housing that can be opened for accessing the computer and closed for transporting the computer; and,
- 5 • at least one light-emitting device positioned on the housing and configured to emit light of sufficient magnitude to be perceived by others when the housing is closed and the computer is carried by an individual.

Song describes a cover for a notebook personal computer. The field of the invention states “the present invention relates to improvements in covers for carrying and protecting a laptop, notebook, sub-notebook or the like portable personal computer (PC), and more particularly to a multipurpose cover enabling safe transporting of a notebook PC under wet conditions while allowing the computer to be operated without being removed from the cover.” The claims are
10 all to a cover and all of the drawings are to a cover.
15

The Office suggests that Song discloses “a housing 10”. Applicant respectively notes that designator 10 is to “a cover for a computer” and not to the computer or any component thereof. See Song, Col. 2, lines 44-50. Song does not disclose, teach, or suggest a light-emitting device positioned on the housing
20 of the portable computer and configured to emit light of sufficient magnitude to be perceived by others when the housing is closed and the computer is carried by an individual.

The Office then looks to Lumley for this element. Lumley “relates to an article of clothing accessory in which an exterior surface of the article is

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decorated with lighting.” Specifically, the Office looks to Figure 3, column 2, lines 47-51. Fig. 3 and lines 47-51 relate to a briefcase 21. Like Song, Lumley is silent as to a light-emitting device positioned on the housing of the portable computer and configured to emit light of sufficient magnitude to be perceived by others when the housing is closed and the computer is carried by an individual as recited in claim 1. Even considering arguendo that motivation exists for the Office’s proposed combination of Song and Lumley, the proposed combination still fails to teach the elements of claim 1. Further, the proposed combination teaches away from the elements of claim 1. The Office’s proposed combination as discerned by the Applicant teaches a briefcase or cover having lights positioned thereon. A computer can be placed and carried in the briefcase or cover. Such a hypothetical configuration obviates any motivation for light-emitting device positioned on the housing of the portable computer. As such the Office’s proposed combination teaches directly away from the elements of claim 1. The elements of claim 1 are not taught or suggested by the art of record. As such, Applicant respectfully requests the §103 rejection of claim 1 be withdrawn.

Claims 2-7 contain similar limitations to those of claim 1 and are allowable for at least the reasons described above in relation to claim 1.

Claim 8 is directed to a safety device, and recites limitations including:

- a portable computer having a housing that can be opened for accessing the computer and closed for transporting the computer;

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- at least one light emitting device positioned on the housing and configured to emit light of sufficient magnitude to be perceived by others when the housing is closed and the computer is carried; and
- a controller coupled with the at least one light emitting device to selectively enable or disable the at least one light emitting device.

Song describes a cover for a notebook personal computer. The field of the invention states "the present invention relates to improvements in covers for carrying and protecting a laptop, notebook, sub-notebook or the like portable personal computer (PC), and more particularly to a multipurpose cover enabling safe transporting of a notebook PC under wet conditions while allowing the computer to be operated without being removed from the cover." The claims are all to a cover and all of the drawings are to a cover.

The Office suggests that Song discloses "a housing 10". Applicant respectively notes that designator 10 is to "a cover for a computer" and not to the computer or any component thereof. See Song, Col. 2, lines 44-50. Song does not disclose, teach, or suggest a portable computer having a housing that can be opened for accessing the computer and closed for transporting the computer. Lumley is equally silent as to this element. Lumley "relates to an article of clothing accessory in which an exterior surface of the article is decorated with lighting."

Further, the combination teaches away from the elements of claim 8. The Office's proposed combination as discerned by the Applicant teaches a briefcase

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or cover having lights positioned thereon. A computer can be placed and carried in the briefcase or cover. Such a hypothetical configuration obviates any motivation for light-emitting device positioned on the housing of the portable computer. As such the Office's proposed combination teaches directly away
5 from the elements of claim 8. The elements of claim 8 are not taught or suggested by the art of record. As such, Applicant respectfully requests the §103 rejection of claim 8 be withdrawn.

Claims 9-10 contain the limitations of claim 8 and are allowable for at least the reasons described above in relation to claim 8.

10 Claim 11 contains the limitations of claim 8 and is allowable for at least the reasons described above in relation to claim 8. Also claim 11 further limits the controller of claim 8 which is coupled with the at least one light emitting device to selectively enable or disable the at least one light emitting device positioned on the portable computer housing. Claim 11 limits the controller to a
15 motion sensor switch. The Office looks to Rudenberg for such a limitation.

Rudenberg describes a remotely activated high candlepower illumination system 100 for an automobile, e.g. a car alarm. Rudenberg, Col. 5 lines 15-18. The Office contends that it would be obvious to combine the car alarm of Rudenberg with Song and Lumley. Applicant notes that lacking the present
20 application, no motivation exists to combine the teachings of the art of record. For the purposes of furthering prosecution, Applicant specifically requests that the Office point out with particularity the motivation to combine these

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references. Further, even considering the Office's proposed combination, the art of record still fails to describe the elements of claim 11 since all of the cited references are silent as to a computer housing having at least one light emitting device positioned thereon and where the light-emitting device is configured to be
5 controlled by the motion sensor switch. For at least these reasons, Applicant respectfully requests that the §103 rejection of claim 11 be withdrawn.

Claim 12 contains the limitations of claim 8 and is allowable for at least the reasons described above in relation to claim 8. Also claim 12 further limits the controller of claim 8 which is coupled with the at least one light emitting
10 device to selectively enable or disable the at least one light emitting device positioned on the portable computer housing. Claim 12 limits the controller to a light sensor switch. The Office looks to Rudenberg for such a limitation.

Rudenberg describes a remotely activated high candlepower illumination system 100 for an automobile, e.g. a car alarm. Rudenberg, Col. 5 lines 15-18.
15 The Office contends that it would be obvious to combine the car alarm of Rudenberg with Song and Lumley. Applicant notes that lacking the present application, no motivation exists to combine the teachings of the art of record. For the purposes of furthering prosecution, Applicant specifically requests that the Office point out with particularity the motivation to combine these
20 references. Further, even considering *arguendo* the Office's proposed combination, the art of record still fails to describe the elements of claim 12 since all of the cited references are silent as to a computer housing having at least one

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light emitting device positioned thereon and where the light-emitting device is configured to be controlled by the light sensor switch. For at least these reasons, Applicant respectfully requests that the §103 rejection of claim 12 be withdrawn.

Amended Claim 13 depends from claim 8 and contains the limitations thereof. Further, claim 13 further limits the controller of claim 8 which is coupled with the at least one light emitting device to selectively enable or disable the at least one light emitting device positioned on the portable computer housing. As recited in claim 13 the controller comprises a motion sensor switch and a light sensor switch configured to automatically activate the at least one light emitting device when the portable computer is transported by a user in a low light environment. The limitations of amended claim 13 are not taught or suggested by the art of record.

Claims 14-16 depend from claim 8 and as such are not taught or suggested by the art of record.

Claims 18-22 depend from claim 17 and contain the limitations thereof. Specifically, claim 17 recites at least one light emitting device "configured to emit light responsive to the computer being carried". As described above, Till is totally silent as to this limitation. Instead, Till teaches directly away from this limitation, since Till describes a device configured to emit light such that a user can find the device. If the user is trying to locate the device in the "dark recessed areas or corners of cars and houses" the user certainly is not carrying the device as required by claim 17. Till neither teaches nor describes the limitations of

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claim 17 or of dependent claims 18-22. Further, Till teaches away from the elements of these claims. Applicant respectfully requests the §103 rejection of claims 18-22 be withdrawn.

Claims 24-25 depend from claim 23 and are directed to a portable
5 computer and recite "light reflecting safety structure attached to the housing and positioned to reflect light in a manner that promotes the safety of an individual carrying the computer".

Wattenburg describes a keyboard illuminator and a method for illuminating a keyboard for use by a computer user operating a computer having
10 a keyboard, a housing and a display that emits light. The keyboard illuminator includes a rigid planar member that is at least partially transmitting and at least partially reflecting and an apparatus for mounting the member on the housing. The member is mounted so that the member is disposed at an angle to the display screen between the display screen and the user such that at least a portion of light
15 emitted by the display screen is reflected onto the keyboard to illuminate the keyboard for operation.

Wattenburg is silent as to a "light reflecting safety structure attached to the housing and positioned to reflect light in a manner that promotes the safety of an individual carrying the computer". Instead Wattenburg teaches a reflective
20 structure that during operation of the computing device reflects light from the display screen onto the keyboard. Wattenburg does not describe or suggest any other functionality for the keyboard illuminator's reflective structure.

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Wattenburg is totally silent as to any aspect of promoting the safety of an individual carrying the computer as recited in claims 24-25. As such the art of record fails to teach or describe the limitation of claims 24-25. Applicant respectfully requests the §103 rejection of claims 24-25 be withdrawn.

5 **Claim 27 depends from claim 26 and is directed to a portable computer and recites a "light reflecting surface adhered to the housing and positioned to reflect light in a manner that promotes the safety of an individual carrying the computer by making the individual more visible to others in the individual's proximity than the individual otherwise would be without the at least one light**
10 **reflecting safety structure adhered to the housing".**

Wattenburg describes a keyboard illuminator and a method for illuminating a keyboard for use by a computer user operating a computer having a keyboard, a housing and a display that emits light. The keyboard illuminator includes a rigid planar member that is at least partially transmitting and at least
15 partially reflecting and an apparatus for mounting the member on the housing. The member is mounted so that the member is disposed at an angle to the display screen between the display screen and the user such that at least a portion of light emitted by the display screen is reflected onto the keyboard to illuminate the keyboard for operation.

20 Wattenburg is silent as to a "light reflecting surface adhered to the housing and positioned to reflect light in a manner that promotes the safety of an individual carrying the computer by making the individual more visible to others

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in the individual's proximity than the individual otherwise would be without the at least one light reflecting safety structure adhered to the housing". Instead Wattenburg teaches a reflective structure that during operation of the computing device reflects light from the display screen onto the keyboard. Wattenburg does
5 not describe or suggest any other functionality for the keyboard illuminator's reflective structure. Wattenburg is totally silent as to any aspect of promoting the safety of an individual carrying the computer as recited in claim 27. Applicant respectfully requests the §103 rejection of claim 27 be withdrawn.

Claim 28 recites "the reflective structure being positioned to reflect light
10 so that the light can be seen by others when the computer is carried".

Wattenburg describes a keyboard illuminator and a method for illuminating a keyboard for use by a computer user operating a computer having a keyboard, a housing and a display that emits light. The keyboard illuminator includes a rigid planar member that is at least partially transmitting and at least
15 partially reflecting and an apparatus for mounting the member on the housing. The member is mounted so that the member is disposed at an angle to the display screen between the display screen and the user such that at least a portion of light emitted by the display screen is reflected onto the keyboard to illuminate the keyboard for operation.

20 Wattenburg is silent as to a "the reflective structure being positioned to reflect light so that the light can be seen by others when the computer is carried". Instead Wattenburg teaches a reflective structure that during operation of the

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computing device reflects light from the display screen onto the keyboard. Wattenburg does not describe or suggest any other functionality for the keyboard illuminator's reflective structure. Wattenburg is totally silent as to any reflective capacity when the computer is being carried. Applicant respectfully requests the
5 § 103 rejection of claim 28 be withdrawn.

Claim 29 depends from claim 28 and as such is not taught or suggested by the art of record.

Claim 30 recites the reflective surface being positioned to reflect light so that the light can be seen by others when the computer is carried.

10 Wattenburg describes a keyboard illuminator and a method for illuminating a keyboard for use by a computer user operating a computer having a keyboard, a housing and a display that emits light. The keyboard illuminator includes a rigid planar member that is at least partially transmitting and at least partially reflecting and an apparatus for mounting the member on the housing.
15 The member is mounted so that the member is disposed at an angle to the display screen between the display screen and the user such that at least a portion of light emitted by the display screen is reflected onto the keyboard to illuminate the keyboard for operation.

Wattenburg is silent as to a reflective surface being positioned to reflect
20 light so that the light can be seen by others when the computer is carried. Instead Wattenburg teaches a reflective structure that during operation of the computing device reflects light from the display screen onto the keyboard. Wattenburg does

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not describe or suggest any other functionality for the keyboard illuminator's reflective structure. Wattenburg is totally silent as to any reflective capacity when the computer is being carried. Applicant respectfully requests the §103 rejection of claim 30 be withdrawn.

- 5 **Claim 31** depends from claim 30 and as such is not taught or suggested by the art of record.

CONCLUSION

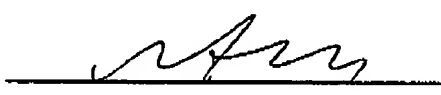
- 10 Claims 1-31 are believed to be in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the present application. Should any issue remain that prevents immediate issuance of the application, the Examiner is encouraged to contact the undersigned attorney to discuss the unresolved issue.

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Dated: 1/26/05


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